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June 1, 2022

VIA ECF:

Honorable John P. Cronan, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Peter Delgado v. City of New York, et al.*
Docket No. 19-cv-6320 (JPC)

Dear Judge Cronan,

The undersigned is an associate of the law firm of Sim & Depaola, LLP, the attorneys for the Plaintiff in the instant matter. Plaintiff respectfully submits this letter pursuant to Your Honor's Order dated March 31, 2022 [Dkt. No. 84] in opposition to defendants' letter motion to compel production of (1) the retainer agreement (2) referral agreements, (3) time and expense records and legal bills concerning the Incident, including this litigation, and (4) litigation financing documents [Dkt. No. 78].

On December 6, 2021, Plaintiff served his initial responses to Defendants' DRIs. On March 2, 2022, March 29, 2022, and April 21, 2022, defendants served deficiency letters seeking "...all retainer agreements, referral agreements, time and expense records and legal bills concerning the Incident, including this litigation." Plaintiff has and continues to object to the production of such for the following reasons:

Respectfully submitted, the aforesaid requests for "...all retainer agreements, referral agreements, time and expense records and legal bills concerning the Incident, including this litigation..." are wholly irrelevant to the issues presented in this litigation and are not calculated to result in admissible evidence. There are no allegations or defenses that relate whatsoever to retainer agreements or referral agreements. It is unclear why Defendants are adamant about pursuing production of such, and Defendants have provided no good faith basis for the requests. Accordingly, Plaintiff respectfully requests Your Honor deny this portion of Defendants' request.

With respect to "...time and expense records and legal bills concerning the Incident, including this litigation," Plaintiff submits that such are ongoing, accruing and respectfully submits this demand is premature and unduly burdensome. No settlement negotiations have taken place and discovery is ongoing. As mentioned in Defendants' moving papers, Plaintiff already consented to providing them at a later date. Accordingly, counsel respectfully submits that such production should not be compelled at this time.

Finally, Defendants seek production of "...all documents concerning any legal or litigation financing or funding from any person for any claims or lawsuits concerning the Incident litigation funding agreements". Such requests have been denied both in the District Court, and in Supreme Court, New York County, and, respectfully submitted, should be denied here as well. *See e.g. David E. Kaplan, et al., Plaintiffs, v. S.A.C. Capital Advisors, L.P., et al.*" *Kaplan v.*, 141 F Supp 3d 246 (S.D.N.Y. 2015); *Rodriguez v Rosen & Gordon, LLC*, *2 2022-30690 (Sup Ct., NY County 2022). Such are wholly irrelevant to the instant litigation and none of the claims or defenses presented in this matter bear whatsoever on litigation funding. Furthermore, Defendants have not provided any good faith basis for their request including in their motion. Accordingly, it is respectfully requested that this portion of Defendants' motion be denied.

Wherefore, it is respectfully requested that defendants' motion to compel be denied in its entirety.

Thank you for your consideration herein.

Respectfully submitted,



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Attorney for Plaintiff
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The parties shall appear for a teleconference on June 13, 2022 at 10:00 a.m. to discuss Defendants' letter-motion to compel. *See* Dkt. 78. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261.

By June 9, 2022, the parties shall meet and confer in good faith to try to resolve the discovery disputes raised in the motion to compel. By that date, the parties shall submit a joint status letter to the Court detailing any remaining issues and each parties' arguments on the remaining issues.

SO ORDERED.

Date: June 2, 2022
New York, New York



JOHN P. CRONAN
United States District Judge